

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

MICHAEL MALCOLM

CRIMINAL ACTION

NO. 22-0114

ORDER

AND NOW, this 10th day of November 2022, upon consideration of Defendant's Motion to Suppress (ECF 14) and the Government's Responses (ECF 21, 22), and after holding an evidentiary hearing and oral argument on the Motion (ECF 28), it is hereby **ORDERED** that the Motion is **GRANTED in part** and **DENIED in part**.

Specifically:

1. The records obtained from the black Apple iPhone 11 with cell phone number (267) 218-8645 seized from Malcolm are **SUPPRESSED**.
2. A.K., C.K. and J.P.'s out-of-court identifications of Malcolm are **SUPPRESSED**.
3. A.K., C.K. and J.P. may not make any future in-court identifications of Malcolm as the person who committed the offenses alleged in the Indictment (ECF 8).
4. The Motion is **DENIED** to the extent it seeks to suppress future in-court identifications of Malcolm by "other government witnesses."

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.